

City of St. Louis Department of Personnel Administrative Regulation NO. 51

EMPLOYEE GRIEVANCE POLICY

Revised and Reissued Effective: April 6, 2009

I. PURPOSE:

The purpose of this Administrative Regulation is to establish a process for addressing and resolving problems within operating departments. Employees are free under Administrative Regulation No. 51 to seek resolution of problems without fear of discrimination, coercion, restraint, or reprisal.

The grievance procedure is an extremely important process and properly utilized will facilitate open and continuous communication.

II. TYPES OF EMPLOYEE PROBLEMS:

Employee problems which may arise are endless in their variety; however, following are the types of employee(s) problems which may in some cases be addressed by this Administrative Regulation:

- A. The physical environment in which the employee works;
- B. Working conditions on the specific job (for example, dangerous methods, inadequate tools, etc.);
- C. Relationships with fellow employees (for example, a fellow employee who allegedly shirks his/her share of the work; a superior who is allegedly unfair, inconsiderate, or who allegedly singles out the employee for humiliation or undeserved censure; or a group of employees which is allegedly affecting the employee in an unfair or illegal manner);
- D. The fairness and consistency with which department regulations are applied to the employee(s).

The above list is not exhaustive but rather gives examples of possible issues that may be grieved.

III. MATTERS NOT TO BE HANDLED BY THIS PROCEDURE:

Any grievance or problem that does not fall into the categories described in Section II above must be addressed through established procedures in the City Charter, Rules and Regulations of the Department of Personnel and Civil Service Commission. The Director of Personnel will be the final authority in determining whether or not a particular employment issue is appropriate for the formal grievance procedure. Following are some examples of issues that are not appropriate for the formal grievance procedure:

- A. Employment status, including dismissals, demotions, layoffs, suspensions, reductions in pay, docks, written reprimands, and denial of leave;
- B. Service Ratings;
- C. Examinations;
- D. Benefits established by ordinance;
- E. Classification of positions;
- F. Equal Employment Opportunity Compliance;
- G. Management decisions involving organizational structure of the employee's department;
- H. Any other matter subject to appeal to the Civil Service Commission.

IV. DOCUMENTATION:

The appointing authority and department director will be responsible for maintaining all documentation relative to the grievance and the investigation. All documentation will be forwarded to the Director of Personnel upon his/her request. Failure to submit documentation may result in adverse action.

V. PROCESS:

- A. An employee or group of employees who believes they have been aggrieved should first go to their immediate supervisor and discuss the problem. If the employee believes that the problem has not been resolved, and he or she wishes to continue with their grievance, he or she may ask his/her payroll clerk for an Employee Grievance Procedure Form. Such forms are also available from the internet at

<http://stlouis.missouri.org/citygov/personnel> and the Department of Personnel.

B. An employee who believes he or she has been aggrieved must file the grievance within fifteen (15) calendar days of the action and/or event which is the subject of the grievance on an Employee Grievance Procedure Form to his/her appointing authority. A copy of such form will be furnished to the department director (if applicable). Supportive documentation will accompany this submission.

C. Within fifteen (15) calendar days of receipt of such grievances, the appointing authority will investigate the complaint, which may include submissions from the aggrieved employee's supervisor and/or co-workers, and submit his/her resolution of the problem in writing to the employee(s) and the department director. The appointing authority may use his/her discretion in determining the best method of investigation.

D. If the employee feels the problem has not been resolved by the appointing authority, the employee may within fifteen (15) calendar days of receiving the decision of the appointing authority appeal to the department director. If the appointing authority is the department director, there is no further review at the department level. The department director will review the Employee Grievance Procedure Form and render a determination.

E. The supervisor, appointing authority and employee(s) will be notified in writing of the department director's decision within fifteen (15) calendar days of the receipt of the appeal from the employee.

F. If the problem has not been resolved after notification by the appointing authority or the employee's department director, the employee(s) may within fifteen (15) calendar days from the date of the department director's decision appeal to the Director of Personnel.

G. The Director of Personnel will within fifteen (15) calendar days of receipt of the Employee Grievance Procedure Form, thoroughly review or investigate the grievance, including reviewing all documentation. The Director of Personnel will either make a recommendation to the department director or the Director of Personnel will appoint a three-member Employee Grievance Committee. The Employee Grievance Committee shall consist of a member of the Department of Personnel, who will be chairperson, a member of management from a department

other than the employee's department, and a labor representative. If the grievant is in a certified bargaining unit, then the labor representative will be a union official from a union other than the grievant's. If the grievant is not in a certified bargaining unit, the labor representative on the committee will be an employee from a department/agency other than the grievant's. The Department of Personnel will maintain a list of managers, employees and union representatives who are available to participate on the committee. The employee may have a representative of their choosing present at the hearing. If the representative is an employee, they must get permission from their appointing authority to be away from the work site. No attorney can represent the employee or management before the Employee Grievance Committee. Any party involved can request to call witnesses to testify in its behalf by making such a request in writing at least five (5) calendar days in advance of the hearing to the Employee Relations Manager of the Department of Personnel. The Employee Grievance Committee will study all the records of the case and hold an informal hearing as soon as possible, but no later than fifteen (15) calendar days of receipt of the grievance. The committee will notify the Director of Personnel of its recommendation in writing within fifteen (15) calendar days of the completion of the hearing. The Director of Personnel will limit his review to the official grievance hearing file and recommendation of the Employee Grievance Committee. The Director of Personnel shall then notify the department director, appointing authority and other concerned parties in writing of his recommendation, shall provide the reasons for his recommendation, and shall also send all parties a copy of the written report provided to him by the Grievance Committee, within fifteen (15) calendar days of the decision.

H. After receipt of the recommendation by the Director of Personnel, the department director will notify all parties concerned including the Director of Personnel of their decision in writing within fifteen (15) calendar days.

I. Any of the time frames established in this regulation can be extended by mutual agreement of all parties concerned or the Director of Personnel.

Failure of management to meet the time frames specified in the policy shall allow the employee to move to the next step of the process. For instance, if the employee did not receive a written response from the appointing authority within fifteen (15) calendar days, the employee

could appeal to the department director. If the department director did not notify the employee in writing of his/her decision within fifteen (15) calendar days of his/her decision, the employee could appeal to the Director of Personnel.

If the employee did not submit the grievance to the appointing authority, appeal the appointing authority's decision, or appeal the department director's decision within the time frames specified in the policy, the employee would forfeit the right to grieve.

J. The original copy of the Employee Grievance Procedure Form, a copy of the Grievance Committee's written report to the Director of Personnel (where applicable), a copy Director of Personnel's recommendation and the department head's or appointing authority's final decision will be placed in the employee's folder file in the Department of Personnel.

If you have any questions concerning this policy, please call Employee Relations Section of the Department of Personnel at 622-3563.

DEPARTMENT OF PERSONNEL

Richard R. Frank
Director of Personnel

Employee Grievance Procedure Form